

No. 18-2436

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
May 02, 2019
DEBORAH S. HUNT, Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

CHRISTIAN MAIRE,

Defendant-Appellant.

ORDER

Before: GUY, GIBBONS, and NALBANDIAN, Circuit Judges.

Christian Maire filed this appeal from his conviction and sentence on a charge of engaging in a child exploitation enterprise. Defense counsel now advises that Maire died on January 2, 2019, and moves to remand the case to the district court with instructions to dismiss the indictment. The government concurs in the relief requested.

“Where a defendant in a criminal case dies while the case is pending on direct appeal, the case abates and the action must be remanded to the district court to dismiss the indictment.” *United States v. Wilcox*, 783 F.2d 44, 44 (6th Cir. 1986); *see also* Fed. R. App. P. 43(a)(1) (Upon the filing of a suggestion of death, the court “may then direct appropriate proceedings.”).

Accordingly, the judgment is **VACATED** and the case is **REMANDED** to the district court with instructions to dismiss the indictment.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

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Filed: May 02, 2019

Mr. Mark J. Kriger

Mr. Kevin M. Mulcahy

Mr. Philip A. Ross

Ms. April Nicole Russo

Re: Case No. 18-2436, *USA v. Christian Maire*
Originating Case No. 2:18-cr-20128-1

Dear Counsel:

The Court issued the enclosed (Order/Opinion) today in this case.

Sincerely yours,

s/Patricia J. Elder, Senior Case Manager
for Roy G. Ford, Case Manager

cc: Mr. David J. Weaver

Enclosure

No mandate to issue